

REQUEST FOR RECONSIDERATION

Reconsideration of the present application is respectfully requested.

Claims 1 and 5 are pending in the application.

The Examiner objected to Claim 1, due to minor informalities. The Examiner rejected Claims 1 and 5 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2003/0005382 to *Chen et al.* (hereinafter *Chen*) in view of U.S. Publication No. 2003/0023915 to *Choi* and U.S. Patent No. 4,908,828 to *Tikalsky*.

Please amend Claim 1 as set forth herein. No new matter has been added.

Regarding the claim objection, the Examiner alleged that the recitation “the transmission data is made by allocating the retransmission data block at a location where the retransmission data block of the transmission data will be included,” still seems to be awkward, even though it was amended in the amendment to which the Office Action responds. Applicant asserts that this issue appears to be a matter of Examiner’s preference. While Applicant respectfully believes that the recitation at issue made sense prior to the amendment herein, the recitation has been amended herein in an attempt to obviate the Examiner’s objection. Withdrawal of the claim objection, therefore, is respectfully requested.

Regarding the rejection of Claims 1 and 5 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2003/0005382 to *Chen et al.* (hereinafter *Chen*) in view of U.S. Publication No. 2003/0023915 to *Choi* and U.S. Patent No. 4,908,828 to *Tikalsky*, Applicant respectfully traverses.

The present claims recite generating, by the MSs, receiving report data indicating whether the data has successfully been received. In contrast, *Chen* merely recites periodically and repeatedly broadcasting data *without reporting the data indicating whether the transmission data*

has successfully been received. That is to say, there is no indication of whether the data has successfully been received in *Chen*, as recited in the rejected claims, and neither *Choi* nor *Tikalsky* cures this deficiency. In view of at least the foregoing, it is respectfully submitted that Claims 1 and 5 are not rendered unpatentable over *Chen* in view of *Choi* and *Tikalsky*, as alleged by the Examiner, and withdrawal of the rejection is respectfully requested.

Independent Claim 1 is believed to be in condition for allowance. Without conceding the patentability per se of dependent Claim 5, this claim is likewise believed to be allowable by virtue of its dependence on amended independent Claim 1. Accordingly, reconsideration and withdrawal of the rejection of dependent Claim 5 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1 and 5, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



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